C. REMARKS

In the Office Action of 4 June 2004, Claims 32-36, 40, 42, 46, 49-55, 57, 60, 65, and 67 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,949,951 to *Deola*; Claims 32-36, 45-47, 49-51, 54, 59, and 60 were rejected under 35 U.S.C. § 102 as being anticipated by, or alternatively under 35 U.S.C. § 103 as being obvious over U.S. Patent No. D359,326 to *Deola*; Claims 32-34, 40, 42, 43, 46, 53-56, 60, and 65-67 were rejected under 35 U.S.C. § 102 as being anticipated by, or alternatively under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 5,643,152 to *Simonson*.

In response, independent claims 32, 46, and 60 have been amended to further clarify the claimed invention. In addition, claims 52, 57, and 67 have been amended to correct informalities.

The present application describes an exercise machine press arm. The improved press arm allows an operator to perform either a traditional straight chest press exercise or to incorporate "butterfly" motion during the performance of the chest press exercise. A main arm is pivotally coupled to the frame of the exercise machine at a main pivot in the same manner as conventional press arms. The main arm includes a cross-beam to which a pair of handle arms are pivotally coupled at secondary pivots. The axes of the secondary pivots are orthogonal to the axis of the main pivot and are inclined with respect to vertical when the press arm is in a rest position. This inclination causes the handle arms to assume a natural rest position under the influence of gravity. The rest positions of the handle arms place the press arm handles at a comfortable starting position for performance of a press exercise. Stops to limit the inward or outward travel of the handle arms are not necessary. A source of exercise resistance resists both forward motion of the press arm assembly and inward motion of the handle arms.

U.S. Patent No. 4,949,951 to *Deola* and U.S. Patent No. D359,326 to *Deola* both describe and show a similar body building exercise device. The device is provided on a frame with a vertically positioned inverted "U" shaped member pivotally connected to the frame at a median position. The lower ends of the "U" shaped member are connected to a

weight stack through a cable and pulley mechanism. Two bar members are connected at one end through a universal connection to the bottom ends of the first member. At the free ends of the bar, gripping means are provided to allow a "dumbbell fly" movement of the bar members to attain constant forward push force level requirements in an equidistant plane in relation to the user's body, independent of the resisting force supplied to the device from the weigh stack.

U.S. Patent No. 4,949,951 to *Deola* is actually discussed in the Background of the present application. As pointed out therein,

> Owing to the universal joint between the extension members and the press arm, the extension members will naturally fall towards the floor if let go. This is inconvenient for the user of the apparatus and, further, requires that the user exert an upward force on the extension members simply to maintain them in position for performing an exercise.

The presently claimed invention has been amended to highlight this distinction with *Deola*. Moreover, the secondary arms of are clearly resting at the horizontal position and not angled downwardly as presently claimed. Still further, the secondary axes about which the secondary arms pivot are not inclined from the vertical in a forward direction as presently claimed.

U.S. Patent No. 5,643,152 to *Simonson* describes a chest press exercise machine and method of exercising. A user support and a primary hinge are mounted to a frame. A secondary hinge is mounted to the primary hinge. An arm mounted to the secondary hinge has a handle adapted to be grasped by the user. The two hinges permit the user to displace the handle in either or both the longitudinal and lateral directions. A means for resisting the displacement of the handle, preferably in both the lateral and longitudinal directions, is provided. The resistance means may include an incremental weight stack operably engaged to handle by belts directed by self-aligning pulleys. A second handle, arm and secondary hinge may be provided for the other hand so that the user may exercise both halves of his body. The arms may be connected such that both handles move the same longitudinal and/or lateral distance. To use the exercise machine, a user selects a weight for exercise, sits on the user support, grasps the handle and pushes away from his chest, moving the handle longitudinally and laterally as he so chooses, overcoming the resistance.

As with the *Deola* reference, a related application to U.S. Patent No. 5,643,152 to *Simonson* is discussed in the Background of the present application: U.S. Patent No. 5,580,341 to *Simonson*. As pointed out there,

> [t]he design of the [*Simonson*] machine permits inward movement of the arms, but does not allow a true fly movement. The axes of the secondary hinges are preferably oriented at symmetric acute angles with respect to the primary hinge. This arrangement of the primary and secondary hinges operates to divide the exercise resistance into a longitudinal component and a lateral component. The lateral motion of the arms in Simonson's machine is limited outwardly by an interconnecting strap and inwardly by respective stops. These stops preclude anything more than a straight press or inward press movement during performance of a press exercise. Since outward movement of the arms is prevented by the stops, a full fly movement cannot be performed.

As with *Deola,* the presently claimed invention has been amended to highlight the distinctions over *Simonson.*

Therefore, it is respectfully submitted that all of the claims recite patentable subject matter and are in condition for allowance. Accordingly, favorable reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

Date 26 August 2004

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